

Remarks/Arguments

The foregoing amendments to the claims are of a formal nature, and do not add new matter. Claim 124 has been amended to remove references to polypeptides, and claim 139 has been amended to clearly recite the fragments that hybridize to SEQ ID NO: 19 under the defined conditions. Claims 125-126 have been canceled without prejudice or disclaimer. Accordingly, Claims 124, 129-131, 135-145 are now pending in this application. The rejection to the presently pending claims is respectfully traversed.

Claim Rejections – 35 USC §101 and §112, first paragraph

Claims 124-126, 129-131 and 135-145 are rejected under 35 U.S.C. §101 because allegedly "the claimed invention is not supported by either a credible, specific and substantial asserted utility or a well established utility."

Claims 124-126, 129-131 and 135-145 are further rejected under 35 U.S.C. §112, first paragraph allegedly "since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility, one skilled in the art would not know how to use the claimed invention." Applicants respectfully traverse this rejection.

Claims 125-126 are canceled and hence, this rejection is moot for these claims. Claims 124 and 139, as amended, are now drawn to naturally occurring nucleic acid sequences or fragments that hybridize to the nucleic acid SEQ ID NO: 19.

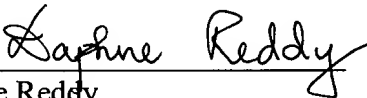
Accordingly, Applicants request the Examiner to reconsider the present rejection under 35 U.S.C. §101 and §112, first paragraph and request that they be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-2730P1C48). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

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